

#### REMARKS

The Examiner has rejected claims 1-3 and 5-15 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication no. 2005/0155056 to Knee et al. in view of U.S. Patent 7,146,627 to Ismail et al.

The Knee et al. publication discloses an interactive television program guide system for determining user values for demographic categories, in which commercials are provided to the user based on certain demographic information.

The Ismail et al. patent discloses a method and apparatus for delivery of targeted video programming in which the system determines viewer preference based on the viewer choosing each program with the highest score.

Claim 1 (and, effectively, claims 10, 12 and 14) includes the limitation "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs using a commercial classifier".

The Examiner has indicated that Knee et al. discloses this limitation and has stated "Knee discloses (¶0020, ¶0028-¶0033) that the advertisement includes value for categories associated with each advertisement where the preselected value of the advertisement is compared with the demographic categories value entered by user to detect the correct advertisement to display for the user as represented in Fig. 2."

Applicants submit that the Examiner is mistaken. In particular, at paragraph [0020], Knee et al. discloses that the advertising information may also include "preselected values for demographic categories associated with each advertisement."

Paragraph [0029] states:

"[0029] FIG. 2 is a sample list of the demographic categories and the values of the demographic categories for the user stored in memory 64. FIG. 2 also shows the preselected values for two advertisements received by the set-top box 48. Under the demographic categories heading, there are shown ten exemplary predefined demographic categories. These categories are: (1) sports fan, (2) science fiction fan, (3) parent, (4) dog-lover, (5) cat-lover, (6) annual income over \$20,000, (7) annual income over \$30,000, (8) annual income over \$50,000, (9) female age range of 20-35, and (10) male age range of 18-40."

Applicants submit that it should be clear from the above that the demographic categories relate to the user, and as such, the preselected values of paragraph [0020] relate the advertisements to the user. However, claim 1 specifically states, "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs using a commercial classifier".

Applicants stress that Knee et al. neither discloses nor suggests "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs using a commercial classifier".

The Examiner now states:

"Knee discloses (§0020, §0050) that the advertising information, transmitted from the main facility to the user television equipment, includes preselected values associated with the demographic categories as represented in Fig. 5 (element 70). Knee also discloses (claims 19 and 20) that the programs are necessary for determining the user value for the demographic categories. For example, as represented in Fig. 2 and disclosed (§0010, §0031, §0033), user provides information such as he is a sports program fan, who is between the ages of 18-40 and makes less than \$30,000. When an advertisement is received, its preselected value, included in the advertising information, relates the advertisements to the demographic categories and not to the individual user. Furthermore, Knee, as represented in Fig. 1 (element 36), discloses that the main facility includes advertising database that includes preselected values for each advertisement associated with demographic categories. The rejection is maintained."

Applicants submit that the Examiner fails to appreciate the distinction of the claim limitation "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs using a commercial classifier". In particular, using the example from Knee et al., "user provides information such as he is a sports program fan, who is between the ages of 18-40 and makes less than \$30,000", then an advertisement corresponding to these demographics (e.g., sporting equipment) would ordinarily have a high pre-selected value. However, while this may be relevant with respect to a sports program (e.g., football), it may not be relevant with regard to a completely different type of program (e.g., "Dancing With The Stars" or "American Idol" or "Gray's Anatomy"). In the subject invention, on the other hand, the provided correlation factor indicates the

relative effectiveness of the commercial (advertisement) in relation to each of the programs. As such, the sporting equipment advertisement, while having a high relative effectiveness in relation to a sports program, would have a low relative effectiveness in relation to, e.g., "Dancing With The Stars" or "American Idol" or "Gray's Anatomy". Applicants submit that this distinction would not be realized by Knee et al.

Applicants further would like to point out that contrary to the Examiner's statement "When an advertisement is received, its preselected value, included in the advertising information, relates the advertisements to the demographic categories and not to the individual user", Knee et al., at paragraph [0034], specifically states "The value for each demographic category is reflective of the characteristics of the user." Hence, Applicants' statement "that the demographic categories relate to the user, and as such, the preselected values of paragraph [0020] relate the advertisements to the user" is indeed accurate. However, notwithstanding, the preselected values do not relate the advertisements to each of the programs.

With regard to the Examiner's statements concerning claims 19 and 20, these limitations relate to information accompanying each program or channel. However, there is not disclosure or suggestion of "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs using a commercial classifier".

The Examiner has indicated "Ismail discloses (col. 12, lines 61-66) that the system determines viewer preference based on viewer choosing each program with the highest score as represented in Fig. 6. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Knee's invention by using score to evaluate a viewer's favorite program as taught by Ismail in order to provide valuable information about the television viewing habits of the viewer (col.1, lines 61-62)."

Applicants submit that Ismail rates each program based on, e.g., the user demographics. However, there is no disclosure or suggestion of a commercials relative effectiveness in relation to each program, i.e., the claim limitation "providing, for each of a plurality of commercials, respective correlation factors indicating respective degrees of effectiveness in relation to each of the plurality of programs using a commercial classifier".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-3 and 5-15, is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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